

UNITED STATES HOUSE OF REPRESENTATIVES
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NEW YORK STATE SENATE
NEW YORK STATE ASSEMBLY
NEW YORK CITY COUNCIL

May 18, 2008

Mr. Alan Steinberg, Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1861

Dear Mr. Steinberg:

We write on behalf of hundreds of our constituents, children who attend New York City Public School 199 and the Center School ("P.S. 199") on the Upper West Side of Manhattan, to ask that the U.S. Environmental Protection Agency (EPA) immediately assume primary responsibility for ensuring the proper management of polychlorinated biphenyls (PCBs) by ensuring comprehensive testing and all necessary remediation for PCB contamination at the schools, which are co-located at 270 West 70th Street in Manhattan. We are concerned that contamination at the site may present imminent and substantial danger to P.S. 199 students and faculty. While the funding for testing and remediation should be provided by the New York City Department of Education (DOE) or the New York City School Construction Authority (SCA), the EPA's expertise and direct involvement is required to ensure a scientifically sound testing and remediation program in which the community can have confidence.

Beginning in late January through March 2008, an SCA-hired contractor removed PCB-containing caulk, a toxin that is prohibited by the Toxic Substances Control Act, at P.S. 199 as part of a window replacement project. The DOE has acknowledged that it did not follow New York State protocols for PCB removal—even though the protocols were promulgated in the summer of 2007 and actual work at P.S. 199 commenced *after* the effective date. Substantial evidence indicates that the school environment—including the air that students breathe and the rugs on which they sit on a daily basis—was contaminated with PCBs and may remain so even after an emergency clean-up conducted by the (SCA).

Specifically, tests conducted by Northeast Analytical, Inc. on April 29, 2008 of samples collected by parents on April 11, 2008—one week following what DOE has characterized as a "full-scale custodial cleanup of the building" by SCA—found the presence of Aroclor 1254, a PCB, at levels of 22.3 and 24.2 parts per million in the contents of a vacuum cleaner bag, 14.6 parts per million and 17.8 parts per million in a sample from a classroom area rug, and 21.7 parts per million in a sample from an office mat. Given that the

EPA standard for contamination in ground samples is 1 part per million, these results have understandably caused great concern among parents.

DOE's own tests have produced mixed results. Three tests found soil contamination in excess of EPA standards. Air testing in the school cafeteria detected the presence of PCBs at 560 nanograms per cubic meter. Due to DOE's testing protocols, however, 560 nanograms per cubic meter was the lowest level at which its tests were capable of detecting the presence of PCBs at all, and only air tests conducted in the cafeteria exceeded this level.

While standards formed for industrial purposes indicate that PCB levels in the air in excess of 1,000 nanograms per cubic meter present a danger to adults in the workplace, we understand that levels as low as 100 nanograms per cubic meter—indeed, any PCB presence in the air at all in excess of background levels—may present a danger to children. Therefore, the fact that DOE tests did not flag PCB levels in air tests elsewhere in the school has done nothing to allay parent concerns—nor did the callous dismissal of the cafeteria finding by the Commissioner of the New York City Department of Health and Mental Hygiene. (He wrote that “a child would have to spend months in a school building,” which, of course, these students do, “to get the exposure found in a single piece of meat or fish”—a comparison that is misleading and irrelevant.)

Parents are rightly concerned that the initial removal process resulted in the contamination of the school environment. Indeed, we have heard anecdotal reports of poor dust control and windows being pushed or kicked out of the building. At best, tests conducted to date by DOE—both those that have detected PCB contamination and those that did not in which the detection threshold may have been set far higher than the level at which PCBs might present a danger to children—are insufficient to comprehensively assess the potential for danger. At the same time, tests conducted by parents at their own expense indicate that contamination did occur and has not been remediated by SCA's clean-up. All of this, taken together with DOE's constant refrain that there is no risk, has resulted in an almost total deterioration of trust in assurances and remedial actions by DOE.

As a result, P.S. 199 parents, still concerned that they are sending their children daily into a contaminated school site, are prepared to fund further tests in accordance with EPA protocols and with detection levels more sensitive than those conducted by DOE. (We understand that parent-collected bulk samples are not in keeping with the EPA's preferred sampling methods.) We believe that the school parents have already unnecessarily been forced to fund testing to get answers in the absence of a comprehensive government response and that they should not have to do so again. (It must be noted that we strongly believe DOE should reimburse the P.S. 199 Parents Association any expenses incurred thus far and in the future related to this matter.) That is why we ask the EPA to immediately:

1. Assume primary responsibility for ensuring the proper management of PCBs by ensuring the removal of PCB-contaminated stairwell window caulking that still remains in the school, along with remediation of soil in order to minimize cross-contamination, followed by comprehensive PCB testing in the school, including of the air, carpeting, furniture, soil and other aspects of the building environment, at detection levels appropriate for children in a school environment, and in a manner that simulates the activity of a school day;

2. Conduct a thorough review of old and new test results and explain their implications to the school community; and
3. Take any and all remedial actions, both indoor and outdoor, to ensure that students are not exposed to PCB contamination, including, if necessary, the temporary closure of P.S. 199 and relocation of students to a non-contaminated environment.

Finally, we would note that at least some of these problems are not unique to P.S. 199 among New York City public schools. It may be that concern about the cost of remediation in multiple schools is the reason for DOE's defensive posture. It would be inexcusable if this came at the expense of our children's safety, and in light of DOE's handling of this matter we would encourage EPA to carefully consider the question of PCB removal, contamination and remediation in all New York City public schools.

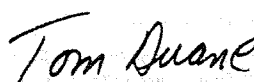
Sincerely,



JERROLD NADLER
Member of Congress



SCOTT M. STRINGER
Borough President



THOMAS K. DUANE
State Senator



LINDA B. ROSENTHAL
Member of Assembly



GALE A. BREWER
Member of the City Council

cc: New York City Mayor Michael Bloomberg
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Joel Klein, Chancellor, New York City Department of Education
Kathleen Grimm, Deputy Chancellor, New York City Department of Education
Thomas Frieden, New York City Commissioner of Health and Mental Hygiene
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